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Total Number of Pages in This Submission	23

Application No.	09/870,867
Filing Date	May 30, 2001
First Named Inventor	Richard J. Qian
Art Unit	2175
Examiner Name	C. Rones
Attorney Docket Number	42390P11155

ENCLOSURES ***(check all that apply)***

- ☒ Fee Transmittal Form
  - ☒ Fee Attached
- ☐ Amendment / Response
  - ☐ After Final
  - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
  - ☐ PTO/SB/08
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/ Incomplete Application
  - ☐ Basic Filing Fee
  - ☐ Declaration/POA
- ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
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- ☐ After Allowance Communication to Group
- ☒ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to Group **(Appeal Notice, Brief, Reply Brief)**
- ☐ Proprietary Information
- ☐ Status Letter
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Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm *or* Individual name	Aslam A. Jaffery, Reg. No. 51,841 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	
Date	July 12, 2005

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☐ Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT ($) 500.00

Complete if Known	
Application Number	09/870,867
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Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
2053	130	2053	130	Non-English specification	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1,020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1,080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	
1402	500	2402	250	Filing a brief in support of an appeal	500.00
1403	1,000	2403	500	Request for oral hearing	
1451	1,510	2451	1,510	Petition to institute a public use proceeding	
1460	130	2460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
1809	790	1809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
				Other fee (specify) _____	
				SUBTOTAL (2)	($) 500.00

SUBMITTED BY Complete (if applicable)

Name (Print/Type)	Aslam A. Jaffery	Registration No. (Attorney/Agent)	51,841	Telephone	(303) 740-1980
Signature				Date	07/12/05

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Debbie Casias ***Date***

Our Docket No.: 42390P11155

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:	)	
	)	
Richard J. Qian	)	Examiner: Rones, Charles
	)	
Application No.: 09/870,867	)	Art Group: 2164
	)	
Filed: May 30, 2001	)	
	)	
For: Integrating Content From Media Sources	)	
	)	

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P.O. Box 1450
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APPEAL BRIEF
IN SUPPORT OF APPELLANT'S APPEAL
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Sir:

Applicant (hereinafter "Appellant") hereby submits this Appeal Brief (hereinafter "Brief") in support of its appeal from a final decision by the Examiner, mailed February 14, 2005, in the above-referenced Application. Appellant respectfully requests consideration of this appeal by the Board of Patent Appeals and Interferences (hereinafter "Board") for allowance of the above-captioned patent application.

An oral hearing is not desired.

TABLE OF CONTENTS

I. REAL PARTY IN INTEREST

The invention is assigned to Intel Corporation of 2200 Mission College Boulevard, Santa Clara, California 95052.

II. RELATED APPEALS AND INTERFERENCES

To the best of Appellant's knowledge, there are no appeals or interferences related to the present appeal that will directly affect, be directly affected by, or have a bearing on the Board's decision.

III. STATUS OF THE CLAIMS

Claims 1-2, 4-12, 14-22 and 24-30 are currently pending in the above-referenced application. No claims have been allowed. In the final Office Action mailed February 14, 2005, claims 1-2, 4-12, 14-22 and 24-30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sezan, et al. U.S. Patent No. 6,236,395 (hereinafter "Sezan") in view of Kelts, U.S. Patent Application No. 2001/0030667 (hereinafter "Kelts"). In addition, claims 1-2, 4-5, 7-12, 14-15, 21-22, 24-25 and 27-30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sull et al., U.S. Patent Publication No. 2002/0069218 (hereinafter "Sull") in view of Kelts. Claims 1-2, 4-12, 14-22 and 24-30 are being appealed.

IV. STATUS OF AMENDMENTS

Claims 1-2, 4-12, 14-22 and 24-30 are currently pending in the subject application. These claims were rejected in the final Office Action mailed February 14, 2005. Appellant respectfully traverses each of the grounds of rejection. A copy of all claims on appeal is attached hereto as Appendix of Claims.

Appellant timely filed a Notice of Appeal on May 13, 2005.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

According to one embodiment, a system is described. The system allows a user to receive content from a variety of different media sources and have content seamlessly integrated on one or more displays by topic. This is all accomplished without requiring the user to switch back and forth among the media sources in order to access the content. (see Specification page 2, lines 10-15). The system comprises an information integrator that arranges the content using parsed metadata stored in the user's preferences and also past usage data. (see Specification page 5, lines 13-15).

In a further embodiment, a method is described. The method comprises media sources being searched for content and metadata based on search criteria, and then parsing the metadata in real-time. Subsequently, user preference information is received from a content service provider. Then, the content and the metadata are integrated according to the user's preferences and the parsed metadata. After which the integrated content and metadata is sent to the content service provider and then rendered concurrently on multiple displays. (see Specification page 11, lines 2-12).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-2, 4-12, 14-22 and 24-30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sezan in view of Kelts.

Claims 1-2, 4-5, 7-12, 14-15, 21-22, 24-25 and 27-30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sull in view of Kelts.

VII. ARGUMENT

A. THE PENDING CLAIMS WERE IMPROPERLY REJECTED UNDER 35 U.S.C. § 103(A) BECAUSE SEZAN AND KELTS NEITHER INDIVIDUALLY NOR WHEN COMBINED IN ANY COMBINATION TEACH OR REASONABLY SUGGEST RECEIVING USER PREFERENCE INFORMATION FROM A CONTENT SERVICE PROVIDER AND SENDING THE INTEGRATED CONTENT AND METADATA TO THE CONTENT SERVICE PROVIDER

Claims 1-2, 4-12, 14-22 and 24-30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sezan in view of Kelts as stated in the final Office Action mailed February 14, 2005. Appellant respectfully submits that Sezan and Kelts neither individually nor when combined in any combination teach or reasonably suggest the claimed invention for at least the reasons set forth below.

Claim 1 recites:

> A method for integrating content, comprising:
> searching a plurality of media sources for content and metadata based on a search criteria;
> parsing the metadata received from the plurality of media sources, wherein the parsing is performed in real-time;
> receiving user preference information from a content service provider;
> integrating the content and the metadata corresponding to a search criteria in accordance with the user preference information and based on the parsing of the metadata;
> sending the integrated content and metadata to the content service provider; and
> rendering the integrated content concurrently using one or more displays.
> (emphasis provided)

Claim 11 recites:

> An apparatus for delivering content, comprising:
> a memory to store executable instructions; and
> a processor, coupled with the memory, the processor to execute the instructions to:

search a plurality of media sources for content and metadata based on a search criteria;
parse the metadata received from the plurality of media sources, wherein the parsing of the metadata is performed in real-time;
receive user preference information from a user;
integrate the content and the metadata corresponding to a search criteria in accordance with the user preference information and based on the parsing of the metadata; and
display the integrated content concurrently using one or more displays.
(emphasis provided)

Appellant's claim 21 recites:

A machine-readable medium having stored thereon data representing sets of instructions which when executed by a machine, cause the machine to:
search a plurality of media sources for content and metadata based on a search criteria;
parse the metadata received from the plurality of media sources, wherein the parsing of the metadata is performed in real-time;
receive user preference information from a user;
integrate the content and the metadata corresponding to a search criteria in accordance with the user preference information and based on the parsing of the metadata; and
display the integrated content concurrently on one or more displays.
(emphasis provided)

Sezan discloses "a system for managing audiovisual information, and in particular a system for audiovisual information browsing, filtering, searching, archiving, and personalization." (paragraph 0001, lines 1-4; emphasis provided). Sezan does not teach or reasonably suggest "receiving user preference information from a content service provider . . . [and] sending the integrated content and metadata to the content service provider" as recited by claim 1. (emphasis provided). The Examiner acknowledges that Sezan "discloses the claimed invention *except for* the receiving user preference

[information] from a content service provider and sending the integrated content and metadata to the content service provider." (final Office Action, mailed February 14, 2005, at page 3, paragraph 3; emphasis provided). Instead, the Examiner relies on Kelts.

Kelts discloses "individual application databases preferably contain[ing] broadcast and programming information . . . [and] data stored in the various application databases . . . [and] user information, which may include names, email addresses, account information (credit available, subscription packages, etc.), and preferences." (paragraph 0107). Kelts further discloses that ". . . *the individual content providers and service providers will be responsible for updating and maintaining the data stored in [the] application databases*." (paragraph 0107; emphasis provided).

Kelts does not teach or reasonably suggest "receiving user preference information from a content service provider . . . [and] sending the integrated content and metadata to the content service provider" as recited by claim 1. (emphasis provided). Having individual content providers and service providers for updating and maintaining the data stored in application databases (Kelts, paragraph 0107) is not the same as "receiving of user preference information from a content service provider . . . [and] sending of the integrated content and metadata to the content service provider." (claim 1; emphasis provided). Stated differently, the individual content service providers in Kelts do not receive non-integrated user preference information, process it into integrated content and then send it back to the user. (see claim 1). *The individual service providers simply maintain databases that contain non-integrated user data.* Kelts does not teach or reasonably suggest "receiving of user preference information from a content service provider . . . [and] sending of the integrated content and metadata to the content service provider" as recited by claim 1. (emphasis provided). Sezan and Kelts, neither

individually nor when combined, teach or reasonably suggest all the limitations of claim 1. Accordingly, Appellant respectfully submits that claim 1 and its dependant claims are patentable over Sezan in view of Kelts.

Claims 11 and 21 contain limitations similar to those of claim 1. Accordingly, claims 11 and 21 and their dependant claims are also patentable over Sezan in view of Kelts.

B. THE PENDING CLAIMS WERE IMPROPERLY REJECTED UNDER 35 U.S.C. § 103(a) BECAUSE SULL AND KELTS NEITHER INDIVIDUALLY NOR WHEN COMBINED IN ANY COMBINATION TEACH OR REASONABLY SUGGEST RECEIVING USER PREFERENCE INFORMATION FROM A CONTENT SERVICE PROVIDER AND SENDING THE INTEGRATED CONTENT AND METADATA TO THE CONTENT SERVICE PROVIDER

Claims 1-2, 4-5, 7-12, 14-15, 21-22, 24-25 and 27-30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sull in view of Kelts as stated in the final Office Action mailed February 14, 2005. Appellant respectfully submits that Sull and Kelts neither individually nor when combined in any combination teach or reasonably suggest the claimed invention for at least the reasons set forth below.

Claim 1 recites:

> A method for integrating content, comprising:
> searching a plurality of media sources for content and metadata based on a search criteria;
> parsing the metadata received from the plurality of media sources, wherein the parsing is performed in real-time;
> receiving user preference information from a content service provider;
> integrating the content and the metadata corresponding to a search criteria in accordance with the user preference information and based on the parsing of the metadata;
> sending the integrated content and metadata to the content service provider; and
> rendering the integrated content concurrently using one or more displays.
> (emphasis provided)

Claim 11 recites:

> An apparatus for delivering content, comprising:
> a memory to store executable instructions; and
> a processor, coupled with the memory, the processor to execute the instructions to:
> search a plurality of media sources for content and metadata based on a search criteria;

parse the metadata received from the plurality of media sources, wherein the parsing of the metadata is performed in real-time;
receive user preference information from a user;
integrate the content and the metadata corresponding to a search criteria in accordance with the user preference information and based on the parsing of the metadata; and
display the integrated content concurrently using one or more displays.
(emphasis provided)

Appellant's claim 21 recites:

A machine-readable medium having stored thereon data representing sets of instructions which when executed by a machine, cause the machine to:
search a plurality of media sources for content and metadata based on a search criteria;
parse the metadata received from the plurality of media sources, wherein the parsing of the metadata is performed in real-time;
receive user preference information from a user;
integrate the content and the metadata corresponding to a search criteria in accordance with the user preference information and based on the parsing of the metadata; and
display the integrated content concurrently on one or more displays.
(emphasis provided)

Sull discloses a system ". . . for tagging, indexing, searching, retrieving, manipulating, and editing video images on a wide area network such as the Internet." (Abstract, lines 1-3). Sull does not teach or reasonably suggest "receiving user preference information from a content service provider . . . [and] sending the integrated content and metadata to the content service provider" as recited by claim 1. (emphasis provided). The Examiner acknowledges that Sull "discloses the claimed invention *except for* the receiving user preference [information] from a content service provider and sending the integrated content and metadata to the content service provider." (final

Office Action, mailed February 14, 2005, at page 6, paragraph 6; emphasis provided). Instead, the Examiner relies on Kelts.

As previously discussed with regard to issue A (pages 7-10), Kelts discloses "individual application databases preferably contain[ing] broadcast and programming information . . . [and] data stored in the various application databases . . . [and] user information, which may include names, email addresses, account information (credit available, subscription packages, etc.), and preferences." (paragraph 0107). Kelts further discloses that ". . . *the individual content providers and service providers will be responsible for updating and maintaining the data stored in [the] application databases.*" (paragraph 0107; emphasis provided).

Kelts does not teach or reasonably suggest "receiving user preference information from a content service provider . . . [and] sending the integrated content and metadata to the content service provider" as recited by claim 1. (emphasis provided). Having individual content providers and service providers for updating and maintaining the data stored in application databases (Kelts, paragraph 0107) is not the same as "receiving of user preference information from a content service provider . . . [and] sending of the integrated content and metadata to the content service provider." (claim 1; emphasis provided). Stated differently, the individual content service providers in Kelts do not receive non-integrated user preference information, process it into integrated content and then send it back to the user. (see claim 1). *The individual service providers simply maintain databases that contain non-integrated user data.* Kelts does not teach or reasonably suggest "receiving of user preference information from a content service provider . . . [and] sending of the integrated content and metadata to the content service provider" as recited by claim 1. (emphasis provided). Sull and Kelts, neither

individually nor when combined, teach or reasonably suggest all the limitations of claim 1. Accordingly, Appellant respectfully submits that claim 1 and its dependant claims are patentable over Sull in view of Kelts.

Claims 11 and 21 contain limitations similar to those of claim 1. Accordingly, claims 11 and 21 and their dependant claims are also patentable over Sull in view of Kelts.

VIII. CONCLUSION

Appellant respectfully submits that all appealed claims in this application are patentable and were improperly rejected by the Examiner during prosecution before the United States Patent and Trademark Office. Appellant respectfully requests that the Board of Patent Appeals and Interferences overrule the Examiner and direct allowance of the rejected claims.

This Brief is submitted with a check for $500.00 to cover the appeal fee for one other than a small entity as specified in 37 C.F.R. § 1.17(c). Please charge any shortages and credit any overpayments to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: July 12, 2005

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IX. APPENDIX OF CLAIMS (37 C.F.R. § 41.37(c)(1)(viii))

The claims on appeal read as follows:

1. A method for integrating content, comprising:

searching a plurality of media sources for content and metadata based on a search criteria;

parsing the metadata received from the plurality of media sources, wherein the parsing is performed in real-time;

receiving user preference information from a content service provider;

integrating the content and the metadata corresponding to a search criteria in accordance with the user preference information and based on the parsing of the metadata;

sending the integrated content and metadata to the content service provider; and

rendering the integrated content concurrently using one or more displays.

2. The method of claim 1, further comprising providing the integrated content and the metadata to a presenter.

4. The method of claim 1, wherein the plurality of media sources comprise television programs, Internet broadcasts, and web pages.

5. The method of claim 1, further comprising passing the metadata resulting from the parsing and an associated content to an information integrator using an extensible markup language (XML).

6. The method of claim 1, further comprising passing the metadata resulting from the parsing and an associated content to an information integrator via an Application Programming Interface (API).

7. The method of claim 1, wherein the content is associated with one or more metadata descriptions.

8. The method of claim 7, wherein the one or more metadata descriptions are created by a multi-modal analysis engine.

9. The method of claim 8, wherein the multi-modal analysis engine comprises one or more of the following: a video analyzer, an audio analyzer, and a digital analyzer.

10. The method of claim 1, further comprising storing the integrated content for access by the user.

11. An apparatus for delivering content, comprising:

a memory to store executable instructions; and

a processor, coupled with the memory, the processor to execute the instructions to:

search a plurality of media sources for content and metadata based on a search criteria;

parse the metadata received from the plurality of media sources, wherein the parsing of the metadata is performed in real-time;

receive user preference information from a user;

integrate the content and the metadata corresponding to a search criteria in accordance with the user preference information and based on the parsing of the metadata; and

display the integrated content concurrently using one or more displays.

12. The apparatus of claim 11, wherein the processor is further to provide the integrated content to an information presenter.

14. The apparatus of claim 11, wherein the plurality of media sources comprises television programs, Internet broadcasts, and web pages.

15. The apparatus of claim 11, further comprising a data description manager to pass the metadata resulting form the parsing and an associated content to an information integrator using an extensible markup language (XML).

16. The apparatus of claim 15, wherein the data description manager is further to pass the metadata resulting from the parsing and an associated content to an information integrator via an Application Programming Interface (API).

17. The apparatus of claim 11, wherein the content is associated with one or more metadata descriptions.

18. The apparatus of claim 17, wherein the one or more metadata descriptions are created by a multi-modal analysis engine.

19. The apparatus of claim 18, wherein the multi-modal analysis engine comprises one or more of the following: a video analyzer, an audio analyzer, and a digital analyzer.

20. The apparatus of claim 11, wherein the processor is further to store the integrated content for access by the user.

21. A machine-readable medium having stored thereon data representing sets of instructions which when executed by a machine, cause the machine to:

search a plurality of media sources for content and metadata based on a search criteria;

parse the metadata received from the plurality of media sources, wherein the parsing of the metadata is performed in real-time;

receive user preference information from a user;

integrate the content and the metadata corresponding to a search criteria in accordance with the user preference information and based on the parsing of the metadata; and

display the integrated content concurrently on one or more displays.

22. The machine-readable medium of claim 21, wherein the sets of instructions which, when executed by the machine, further cause the machine to provide the integrated content to an information presenter.

24. The machine-readable medium of claim 21, wherein the plurality of media sources comprises one or more of the following: television programs, Internet broadcasts, and web pages.

25. The machine-readable medium of claim 21, wherein the sets of instructions which, when executed by the machine, further cause the machine to pass the metadata resulting from the parsing and an associated content to an information integrator using an extensible markup language (XML).

26. The machine-readable medium of claim 21, wherein the sets of instructions which, when executed by the machine, further cause the machine to pass the metadata resulting form the parsing and an associated content to an information integrator via an Application Programming Interface (API).

27. The machine-readable medium of claim 21, wherein the content is associated with one or more metadata descriptions.

28. The machine-readable medium of claim 27, wherein the sets of instructions which, when executed by the machine, further cause the machine to create the one or more metadata descriptions using a multi-modal analysis engine.

29. The machine-readable medium of claim 28, wherein the multi-modal analysis engine comprises one or more of the following: a video analyzer, an audio analyzer, and a digital analyzer.

30. The machine-readable medium of claim 21, wherein the sets of instructions which, when executed by the machine, further cause the machine to store the integrated content for access by the user.